

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

KYNDRA FRAZIER,

Plaintiff,

-against-

FCBC COMMUNITY DEVELOPMENT  
CORPORATION, et al.,

Defendants.

22-cv-5270 (AS)

ORDER

ARUN SUBRAMANIAN, United States District Judge:

As discussed at the February 5 conference, the parties shall submit letters by February 12, 2024, at 5 p.m., not to exceed 10 pages, addressing the following, with supporting authorities:

1. Whether Plaintiff needs to prove that she had a separate agreement to prove that she had a separate job, or what other standard applies to determine whether she had a separate job;
2. Whether the routing of Plaintiff's pay through FCBC CDC would make a difference to what job she was paid for, how that argument interacts with Defendants' affirmative defenses, and whether Defendants ever raised it earlier in the litigation;
3. Whether the professional exemption under New York Labor Law has any salary requirement;
4. Whether the jury needs to separately decide the wage-notice and -statement claims, and what questions the jury would need to answer;
5. How damages would be calculated for a violation of the minimum-wage law in this case, and what questions would be appropriate for the jury to answer as to damages; and
6. Whether defendant Walrond should remain a party-defendant to this case.

In addition, the parties should meet, confer, and resubmit proposed charging instructions and a verdict sheet by February 12 at 5 p.m. The Court will hold a follow-up conference on February 14, 2024, at 2:30 p.m.

SO ORDERED.

Dated: February 6, 2024  
New York, New York



ARUN SUBRAMANIAN  
United States District Judge